

Town of Garrett Park Town Election 2021

Ordinance No.: 2021-3
Introduced: February 8, 2021
Adopted: March 8, 2021
Effective Date: March 8, 2021

DECLARATION OF A STATE OF EMERGENCY AND ORDINANCE TO ACTIVATE AN EMERGENCY PLAN FOR THE TOWN ELECTION

WHEREAS, on March 5, 2020, in an effort to control and prevent the spread of COVID-19, a state of emergency and catastrophic health emergency was proclaimed by the Governor within the entire State of Maryland, pursuant to Maryland Code, Public Safety Article, Title 14, and the Maryland Constitution; and

WHEREAS, most recently on January 21, 2021, the Governor declared that the state of emergency continues and the spread of COVID-19 in the State continues to pose an immediate threat to all Marylanders of extensive loss of life or serious disability; and

WHEREAS, on March 30, 2020, the Governor issued an Executive Order compelling all persons to stay-at-home (Order No. 20-03-30-01, as amended) and an Executive Order enabling municipalities to postpone elections and/or alter the method, conduct, or voting system of an election (Order No. 20-03-30-03), in order to help control and prevent the spread of COVID-19; and

WHEREAS, on January 28, 2021, the Governor issued an Executive Order strongly recommending that all Marylanders continue following the most current guidance from the Center for Disease Control and the Maryland Department of Health regarding social distancing, including, without limitation, avoidance of large gatherings and crowded places (Order No. 21-01-28-01); and

WHEREAS, Maryland Code, Local Government Article, Sec. 5-202, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to pass ordinances that such legislative body deems necessary to assure the good government of the municipality, to protect and preserve the municipality's rights, property and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort, and convenience of the citizens of the municipality;

WHEREAS, the Maryland Emergency Management Agency Act (Md. Code, Public Safety Art., Sec. 14-101, *et seq.*) provides that local governments, including municipal governments, may declare a local state of emergency and so doing activates the local state of emergency plan, per Sec. 14-111; and

WHEREAS, per Sec. 14-102(a) of said Act, the legislative purposes and intents of the law include to confer on the Governor and on the executive heads or governing bodies of the political subdivisions the emergency powers provided in the Act, and per Sec. 14-107(d)(1), after a state of emergency is declared the effect of any statute or rule or regulation of an agency of the State or a political subdivision may be suspended in order to protect the public health, safety, or welfare; and

WHEREAS, Section 78-17 of the Charter of the Town of Garrett Park authorizes the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents and visitors in the Town and for such other police or health matters as it may deem necessary; and

WHEREAS, Section 78-28(b) of the Charter of the Town of Garrett Park provides that if a state of emergency has been declared by the Governor of Maryland, within the corporate limits of the Town, the Council shall be authorized to pass an ordinance to implement such emergency election procedures as may be deemed necessary as a result of the state of emergency, including but not limited to changing the election date and nomination deadlines; altering the method, conduct, or voting system of the election; altering the manner of balloting; canceling an uncontested election; and eliminating the use of polling stations; and

WHEREAS, after proper notice to the public, the Mayor and Town Council introduced and considered this Ordinance in public session assembled on the **8th day of February, 2021**, and considered this Ordinance in public session assembled on the **8th day of March, 2021**; and

WHEREAS, the Mayor hereby declares that a state of emergency exists, as declared by the Governor of Maryland; and

WHEREAS, as a result of the state of emergency, the Town Council finds that the temporary amendment, on an emergency basis, of the election rules and regulations would help control and prevent the spread of COVID-19 and that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents and visitors in the Town.

NOW, THEREFORE, BE IT ORDAINED AND ORDERED, this 8th day of March, 2021, by virtue of the authority given to it by the Maryland Code and the Town Charter, the Town Council does hereby adopt the following ordinance.

SECTION 1. BE IT ORDAINED AND ORDERED, by the Council of the Town of Garrett Park, acting under and by virtue of the aforementioned authority, that the election to be

conducted on **May 3, 2021** shall proceed according to the **Emergency Plan for Town Election** attached hereto, and according to the following:

- (1) If an election shall be uncontested, and the number of nominees having been reported shall be the same number of positions to be filled by the election, the nominee(s) so reported shall be deemed elected as of election day, **May 3, 2021**, and no balloting shall take place. Balloting shall not take place in order to avoid the risk of spreading COVID-19.
- (2) Any election rule or regulation set forth in the Town Charter, Code of Ordinances, or election rules and regulations that is inconsistent with the provisions of the attached Emergency Plan for Town Election is hereby suspended. The Emergency Plan for Town Election shall be implemented for the **2021** election, only.

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, by the Mayor and Council of the Town of Garrett Park, acting under and by virtue of the aforementioned authority, that:

- (1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and
- (2) This ordinance shall take effect upon adoption, this 8 th day of March, 2021.

Attest:

I hereby attest that the above Ordinance was duly adopted by the Town Council on the 8 th day of March, 2021, by a vote of 5 in favor and 0 in opposition.

Andrea Fox 3/18/21
Andrea Fox, Town Manager
Town of Garrett Park

Kacky Chantry
Kacky Chantry, Mayor
Town of Garrett Park

Date: 3/18/21



